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PERMANENT SOVEREIGNTY OF THE PALESTINIAN PEOPLE IN THE OCCUPIED PALESTINIAN TERRITORY, INCLUDING JERUSALEM, AND OF THE ARAB POPULATION IN THE OCCUPIED SYRIAN GOLAN OVER THEIR NATURAL RESOURCES

Report of the Second Committee

Rapporteur: Mr. Rae Kwon CHUNG (Republic of Korea)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 19 September 1997, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-second session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources" and to allocate it to the Second Committee (see A/C.2/52/1).

2. The Second Committee considered the item at its 15th, 20th and 46th meetings, on 22 and 28 October and on 2 December 1997. An account of the Committee's general discussion of the item is contained in the relevant summary records (A/C.2/52/SR.15, 20 and 46). Attention is also drawn to the general debate held by the Committee at its 3rd to 9th meetings, from 13 to 16 October (see A/C.2/52/SR.3-9).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Note by the Secretary-General on economic and social repercussions of the Israeli settlements on the Palestinian people in the Palestinian territory, including Jerusalem, occupied since 1967, and on the Arab population of the Syrian Golan (A/52/172-E/1997/71 and Corr.1);

(b) Letter dated 1 October 1997 from the Permanent Representative of Colombia to the United Nations addressed to the Secretary-General transmitting

the communiqué of the Meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries to the fifty-second session of the General Assembly, issued on 25 September 1997 (A/52/447-S/1997/775).

4. At the 15th meeting, on 22 October, an introductory statement was made by the Chief of the Regional Commissions' New York Office (see A/C.2/52/SR.15).

II. CONSIDERATION OF DRAFT RESOLUTIONS A/C.2/52/L.6 AND A/C.2/52/L.6/Rev.1

5. At the 20th meeting, on 28 October, the representative of Yemen, on behalf of Cuba, Djibouti, Egypt, Jordan, Morocco, Qatar, Saudi Arabia, the Sudan, Tunisia, the United Arab Emirates and Yemen, introduced a draft resolution entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan over their natural resources" (A/C.2/52/L.6). Subsequently, Algeria joined in sponsoring the draft resolution, which read as follows:

"The General Assembly,

"Recalling its resolution 51/190 of 16 December 1996 and Economic and Social Council resolution 1997/67 of 25 July 1997,

"Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

"Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions,[1] including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

"Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

"Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the Occupied Palestinian Territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

"Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

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[1] United Nations, Treaty Series, vol. 75, No. 973.

"Expressing concern at the difficulties facing the Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242 (1967), 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace,

"1. Takes note of the report of the Secretary-General;[2]

"2. Reaffirms the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

"3. Calls upon Israel, the occupying Power, not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

"4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

"5. Requests the Secretary-General to report to it at its fifty-third session, on the implementation of this resolution, and decides to include in the agenda of its fifty-third session the item entitled 'Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources'."

6. At the 46th meeting, on 2 December, the Vice-Chairman of the Committee, Mr. Adel Abdellatif (Egypt), informed the Committee of the results of the informal consultations held on the draft resolution and drew the attention of the Committee to a revised draft resolution (A/C.2/52/L.6/Rev.1), submitted by the sponsors of draft resolution A/C.2/52/L.6, as well as Indonesia, Malaysia and Mauritania. Subsequently Bahrain, Brunei Darussalam and the Democratic People's Republic of Korea joined in sponsoring the revised draft resolution.

7. Also at the 46th meeting, statements were made by the representatives of Israel, the United States of America and Jordan (see A/C.2/52/SR.46).

8. At the same meeting, the Committee adopted draft resolution A/C.2/52/L.6/Rev.1, by a recorded vote of 124 to 2, with 13 abstentions (see para. 10). The voting was as follows:

In favour: Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czech Republic,

[2] A/52/172-E/1997/71.

Democratic People's Republic of Korea, Denmark, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Bahamas, Barbados, Belarus, Bulgaria, Croatia, Georgia, Latvia, Marshall Islands, Micronesia (Federated States of), Paraguay, Saint Lucia, Samoa, Uruguay.

9. After the draft resolution was adopted, statements were made by the representatives of the Syrian Arab Republic, Japan, the Islamic Republic of Iran, the Russian Federation, Luxembourg (on behalf of States Members of the United Nations that are members of the European Union) and the Libyan Arab Jamahiriya and the observer for Palestine (see A/C.2/52/SR.46).

III. RECOMMENDATION OF THE SECOND COMMITTEE

10. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population of the occupied Syrian Golan over their natural resources

The General Assembly,

Recalling its resolution 51/190 of 16 December 1996 and Economic and Social Council resolution 1997/67 of 25 July 1997,

Reaffirming the principle of the permanent sovereignty of peoples under foreign occupation over their natural resources,

Guided by the principles of the Charter of the United Nations, affirming the inadmissibility of the acquisition of territory by force, and recalling relevant Security Council resolutions,[3] including resolutions 242 (1967) of 22 November 1967, 465 (1980) of 1 March 1980 and 497 (1981) of 17 December 1981,

Reaffirming the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Expressing concern at the exploitation by Israel, the occupying Power, of the natural resources of the occupied Palestinian territory, including Jerusalem, and other Arab territories occupied by Israel since 1967,

Aware of the additional, detrimental economic and social impact of the Israeli settlements on Palestinian and other Arab natural resources, especially the confiscation of land and the forced diversion of water resources,

Expressing concern at the difficulties facing the Middle East peace process which started at Madrid on 30 October 1991 and which is based on Security Council resolutions 242 (1967), of 22 November 1967, 338 (1973) of 22 October 1973 and 425 (1978) of 19 March 1978 and the principle of land for peace, as well as concern over the lack of implementation of the Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C., on 13 September 1993,[4] and the Interim Agreement on the West Bank and Gaza Strip, of 28 September 1995,[5]

1. Takes note of the report of the Secretary-General;[6]

2. Reaffirms the inalienable rights of the Palestinian people and the population of the occupied Syrian Golan over their natural resources, including land and water;

3. Calls upon Israel, the occupying Power, not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan;

4. Recognizes the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources, and expresses the hope that this issue will be dealt with in the framework of the final status negotiation between the Palestinian and Israeli sides;

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[3] United Nations, Treaty Series, vol. 75, No. 973.

[4] A/48/486-S/26560.

[5] A/51/889-S/1997/357.

[6] A/52/172-E/1997/71.

5. Requests the Secretary-General to report to it at its fifty-third session, on the implementation of this resolution, and decides to include in the agenda of its fifty-third session the item entitled "Permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources".